

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Jerry Smith,

Debtor.

7:23-CV-06513 (PMH)

[USBC-SDNY 22-B-22694 (CGM)]

ORDER

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PHILIP M. HALPERN, District Judge:

On August 8, 2023, the Court ordered Appellant Jerry Smith, who is proceeding *pro se* in this appeal, to show cause why this appeal should not be dismissed under 28 U.S.C. § 158(c)(2) and FRBP 8002(a) as untimely. (Doc. 4). To date, Appellant has not filed a response to the order to show cause or sought an extension of time to file his response.

Given Appellant's *pro se* status, the Court *sua sponte* extends Appellant's time to respond to the order to show cause until September 6, 2023. Appellee may, if it be so advised, file a letter limited to five pages by September 13, 2023 setting forth its position with respect to the Court's order to show cause.

If Appellant fails to file his response to the order to show cause by September 6, 2023, the Order to Show Cause will be deemed unopposed and the Court may dismiss this appeal for failure to prosecute and/or on the basis of untimeliness of the appeal. No further extensions of time to respond to the Order to Show Cause will be granted.

The Clerk of Court is respectfully requested to mail a copy of this Order as well as the Court's August 8, 2023 Order to Show Cause (Doc. 4) to Appellant at the address on the docket.

Dated: White Plains, New York
August 23, 2023

SO ORDERED:



Philip M. Halpern
United States District Judge